

REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments and following comments is courteously solicited.

Initially the undersigned would like to thank Examiner Tawfik for the courtesies extended during an interview held with the undersigned on June 4, 2008. During the above noted interview the outstanding official action was discussed in detail and the undersigned was greatly aided in formulating an appropriate response thereto.

As pointed out to the Examiner at the above noted interview, the prior art senses tension of the band as the preselected control variable in its method of banding stacked packages. Contrary to the foregoing the method of the present invention employs as the preselected control variable preselected loop lengths rather than band tension. The advantage of the foregoing when banding soft packages is set forth throughout the specification. In this regard the examiner's attention is drawn to [0010] of the instant specification as an example. The Examiner at the interview appreciated the differences between the instant invention and the prior art. Applicants representative suggested an amendment to the independent claim in an effort to further distinguish over the prior art. While the examiner indicated that the amendment might distinguish over the prior art of record, he felt that he would have to conduct a further search of consideration. Be that as it may, applicant suggests independent claim 12 which clearly defines over the cited and applied prior art reference.

The early issuance of a Notice of allowance is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

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